

REMARKS/ARGUMENTS

Interview Summary

The undersigned counsel and Dr. Ugolick thank Examiner Chang for the courtesies extended to them during their personal interview of May.8, 2006. During that interview claims 231, 263, 303, 315, 336 and 373 were discussed, and exhibits were demonstrated. The Examiner agreed that the rejections of those claims would be withdrawn.

The Office Action

In the above-mentioned final Office Action, claims 235, 236, 248, 249, 257, 263-270, 283-290, 292-294, 296, 303-326, 335, 344, 365 and 372- 374 were rejected as failing to comply with the written description requirement; claims 235, 236, 257 and 366-371 were rejected as being indefinite; claim 257 was objected to as depending from cancelled claim 256; claims 231, 232, 242-244, 248, 249 and 291-294 were rejected as being anticipated by U.S. Patent 5,951,819 (Hummell '819); claims 231 and 241 were rejected as being anticipated by U.S. Patent 6,508,913 (Schwaller); and claims 231-234, 237-240, 242-244, 291, 327-334, 336-343 and 351-361 were rejected as being anticipated by U.S. Patent 6,660,113 (Hummell '113).

The allowance of claims 250-255, 258-262, 271, 273-282, 297-301, 362 and 375-381 is acknowledged with appreciation; and these claims remain in the application.

Claims 235, 248, 257, 303, 352, 355, 362, 373 and 376 have been amended, and new dependent claims 382-385 have been added.

Claim 365 has been cancelled without prejudice or disclaimer.

Discussion of the Invention

Unlike the label applicators known in the prior art including Hummell '819, Schwaller '914 and Hummell et al. '113, the present invention according to one aspect thereof includes structure for alternatively centering a large hole label and a small hole label for a label application process. This inventive feature is fully disclosed in the

present application. For example, the Examiner's attention is directed to paragraphs [0133], [0136], [0137], [0141], [0005], [0158], [0159], [0164], [0171], and [0172]. The following are examples of some of the applicators disclosed in the present application having structure capable of alternatively accepting and centering a small hole label and a large hole label, with reference to the drawings.

FIGS. 1 through 13 show one applicator embodiment of the present application. FIG. 1 shows the applicator with a small hole label centered and in position thereon. It is noted that the center post provides the centering structure for the small hole. FIG. 7 shows a large hole label on the applicator with the pegs 324 centering the large hole. By contrasting FIGS. 2 and 7, it can be seen that the pegs when in the position of FIG. 2 are in a position for the applicator to receive a small hole label and when in the position of FIG. 7 are positioned for the applicator to receive a large hole label.

Similarly, the applicator of FIG. 19 can accommodate a small hole label with the centering pegs 420 in a down position, and a large hole label with the centering pegs 420 in an up position.

FIGS. 24 and 25 show different ways of raising the pegs 420.

FIGS. 27 and 28 show an alternative embodiment for accommodating both small and large hole labels. The small hole labels when initially positioned on the applicator will be centered by the center post 404 and cover the sponge structure 428, as shown in FIG. 28. Large hole labels will be centered by 428.

FIGS. 29 through 31 show an alternative with the large hole centering pegs 420.

FIGS. 41 through 43 also show an alternative.

FIG. 50 shows an applicator that can be used for both labels with post 404 for centering the small hole label and with structure 468 for centering the large hole label.

FIGS. 51 through 55 show (portions of) an applicator which can accommodate both large and small hole labels.

FIG. 58 shows an embodiment which can accommodate both large and small hole labels. Small hole labels are held and centered about the circumference of 462. And, large hole labels are centered and held about the circumference of 460.

FIGS. 59 through 61 show details and alternatives of the embodiment of FIG. 58. FIG. 62 is a variation of the embodiment of FIG. 58 and accommodates both small and large hole labels. Similarly, FIG. 68 accommodates both large and small hole labels.

The embodiment of FIG. 74 accommodates both, as do the embodiments of FIGS. 83, 85, 88 and 93.

FIG. 95 and subsequent related drawings show pegs 420, similar to the previously-discussed embodiment, which are positionable in alternative raised position (see FIG. 100) and an alternative lowered position (see FIG. 95). When in the lowered position, the applicator can center a small hole label and when in the raised position, the applicator can center a large hole label.

Arcuate Rims

The arcuate rims of claim 373, for example, are shown in FIG. 3, for example. Reference numeral 173 for the arcuate rims has been added to FIG. 3 and to the specification.

Discussion of the Patentability of the Independent Claims

Independent claim 231 includes a post assembly having a first effective perimeter adapted to center a first label having a narrow central opening. It further includes an engagement structure positionable between operative and inoperative positions. When the structure is in the operative position, it defines a second effective diameter greater than the first effective diameter and adapted to center a second label having a wide central opening wider than the narrow central opening. The rejections of claim 231 were withdrawn during the interview.

Independent claim 248 includes post means for centering a small hole label and centering a large hole label when the centering means is in its operative position.

Independent claim 250 was allowed in the final rejection.

Independent claim 259 was allowed in the final rejection.

Independent claim 263 includes an inner centering post having a first effective diameter for centering a small hole label, and an outer centering post surrounding the

inner centering post and having a second effective diameter for centering a large hole label. The rejections of claim 263 were withdrawn during the interview.

Independent claim 271 was allowed in the final rejection.

Independent claim 279 was allowed in the final rejection.

Independent claim 280 was allowed in the final rejection.

Independent claim 281 was allowed in the final rejection.

Independent claim 282 was allowed in the final rejection.

Independent claim 283 includes a locator assembly having at least one locator member and a lift post. The assembly is movable from a rest position to a lifted position by pulling up on the lift post. When in the rest position, the post assembly defines a small-hole label centering structure. When the locator assembly is in the lifted position, the at least one locator member defines a centering structure for a large hole label. Claim 283 was rejected under Section 112, first paragraph. As explained during the interview and in the above "Discussion of the Patentability of the Independent Claims," examples of the at least one locator member are pegs 324 or 420.

Independent claim 303 includes a locator assembly having at least one locator member and a lift post. The locator assembly is movable relative to the applicator body between first and second positions. When the locator assembly is in the first position, the post assembly defines a centering structure for a small hole label. When in the second position, the at least one locator member defines a centering structure for a large hole label. The rejections of claim 303 were withdrawn during the interview. The minor amendment made to claim 303 do not render the claim unpatentable.

Independent claim 315 includes a label-application post assembly which includes a label centering ring, a centering post and a spindle extending up from a top surface of the centering post. The centering ring is movable in an opening in a label support surface and is concentric with the centering post. For example, the centering ring can be shown at 460, the centering post at 462 and the spindle at 406. The rejections of claim 315 were withdrawn during the interview. The minor amendment to claim 303 does not render the claim unpatentable.

Independent claim 327 includes a label-application post assembly at a central area of a support surface. The assembly includes an outer centering ring, a centering post and a spindle extending up from a top surface of the center post. The outer centering ring is movable in an opening in the support surface and is concentric with the centering post. A coil spring moves the spindle relative to the outer centering ring. Claim 327 is patentable over Hummell '113 because Hummell '113 does not teach the outer centering ring.

Dependent claim 352 includes the post assembly being adapted to center a small hole label and adapted to center a large hole label.

Independent claim 336, as amended, includes a label applicator post assembly. The assembly includes an outer centering ring, a centering post, and a spindle extending up out from a top surface of the centering post. The outer centering ring is moveable in an opening in the support surface and is concentric with and encircles the centering post above the support surface. The rejections of claim 336 were withdrawn during the interview.

Independent claim 351 includes an applicator body having a round label support surface and a label-application post assembly at a central area of the surface. The post assembly includes a outer centering ring, a centering post, and a spindle extending up from the centering post. The centering ring is moveable in an opening in the central area of this support surface. Claim 351 is patentable over Hummell '113 because Hummell '113 teaches neither the round label support surface nor the centering ring.

Independent claim 362 was allowed in the final rejection.

Independent claim 365 includes a post assembly and a locator assembly. The locator assembly has at least one locator member and a lift post. By lifting up on the lift post, the locator assembly is movable from a rest position to a lifted position. When in the rest position, the post assembly defines a centering structure for a small hole label. And when in the lifted position, the at least one locator member defines a centering structure for a large hole label.

Referring to dependent claim 366, the centering post forms a first centering means with a first effective diameter for centering a small hole label, and the centering ring forms a second centering means with a second effective diameter for centering a large hole label.

Independent claim 373 includes an applicator body, a post assembly, and engagement members. The engagement members are disposed in side notches of a tab of a label when in a label application position on the applicator. First and second arcuate rims are positioned on the support surface. One of the rims extends between one of the engagement numbers of the first pair and another of the second pair. The other rim extends between a second one of the engagement numbers of the first pair and a second one of the engagement numbers of the second pair. The rims are shown by 173 in FIG. 3, as amended. The rejections of claim 373 were withdrawn during the interview.

Independent claim 376 was allowed in the final rejection. The amendments made herein to claim 376 are only minor clerical amendments not affecting the scope of the claim

Concluding Remarks

Accordingly, it is respectfully contended that all of the claims now pending are in condition for allowance. Issuance of the Notice of Allowance at an early date is thus in order.

If there are any remaining issues, the Examiner is encouraged to telephone the below-signed counsel for Applicants at (310) 785-5384 to seek to resolve them.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0440. Should such additional fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas N. Larson", written over a horizontal line.

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